IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 28TH AUGUST 2006 / 6TH BHADRA 1928

Bail Appl..No. 5316 of 2006

CMP.5922/2006 of J.M.F.C.-I,NEYYATINKARA
CRIME NO. 34/2006 OF EXCISE RANGE, THIRUPURAM

.....

PETITIONER/ACCUSED

PRAABHAVATHY
D/O.KAMALAMMA, AGED 55 KADUTHARISSU VEEDU,
AVANAKUZHI, ATHIYAANNOOR DESOM,
ATHIYANNOOR VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP.BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA, REPRESENTING
EXCISE INSPECTOR, THIRUPURAM EXCISE RANGE.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5316/2006

DATED THIS THE 28TH DAY OF AUGUST, 2006

O R D E R

The petitioner was found in illegal possession of 1.5 liters of illicit arrack, by the Inspector of Thirupuram Excise Range, who registered C.R.No.34/2006 of that Excise Range, under Section 8(1) & (2) of the Abkari Act. The petitioner remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The learned Public prosecutor submitted that there are five other cases registered against the petitioner, under the Abkari Act. Hence, she is a person, who is habitually indulging in committing the Abkari offence.

3. In the above circumstances of the case, because of the operation of Section 41A of the Abkari Act, I am not inclined to grant bail.

Hence the application is dismissed.

J.M.JAMES
JUDGE

mrcs